United Nations A/73/588

General Assembly

Distr.: General
3 December 2018

Original: English

Seventy-third session
Agenda item 73

Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Ms. Katharina **Konzett-Stoffl** (Austria)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-third session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 72, entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", at its 38th, 39th and 40th meetings, on 29 and 30 October 2018, and considered proposals and took action on item 73 at its 45th, 46th, 48th and 52nd meetings, on 8, 13, 15 and 19 November. An account of the Committee's discussion is contained in the relevant summary records.[1]

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/73/329);

(b) Note by the Secretariat transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/73/303).

4. At its 38th meeting, on 29 October, the Committee heard an introductory statement by the Assistant Secretary-General for Human Rights.

5. At the same meeting, the Committee heard an introductory statement by the Chair of the Working Group of Experts on People of African Descent, who engaged

[1] A/C.3/73/SR.38, A/C.3/73/SR.39, A/C.3/73/SR.40, A/C.3/73/SR.45, A/C.3/73/SR.46, A/C.3/73/SR.48 and A/C.3/73/SR.52.

Please recycle

in an interactive dialogue with the representatives of Morocco, the European Union, Brazil, South Africa, Mexico and the Islamic Republic of Iran.

6. Also at the same meeting, the Committee heard an introductory statement by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who engaged in an interactive dialogue with the representatives of Mexico, South Africa, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, the European Union, Cuba, the Islamic Republic of Iran, Turkey, Hungary, Morocco, Belgium and the Syrian Arab Republic.

7. Also at its 38th meeting, the Committee heard an introductory statement by the Chair of the Committee on the Elimination of Racial Discrimination, who engaged in an interactive dialogue with the representatives of the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement), Spain, Brazil, Belgium, Japan, the United States of America, the European Union, Mexico, Slovenia, Latvia and China.

8. At its 39th meeting, on 30 October, the Committee heard an introductory statement by the Chair of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, who engaged in an interactive dialogue with the representatives of the European Union, the Syrian Arab Republic, the Russian Federation and Cuba.

II. Consideration of proposals

A. Draft resolution A/C.3/73/L.29

9. At its 48th meeting, on 15 November, the Committee had before it a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/73/L.29), submitted by Bolivia (Plurinational State of), the Democratic People's Republic of Korea, Ecuador, Egypt (on behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation), Venezuela (Bolivarian Republic of), Viet Nam, Zambia and the State of Palestine. Subsequently, Andorra, Angola, Armenia, Austria, Belarus, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Ireland, Italy, Kenya, the Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Montenegro, Namibia, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Saint Vincent and the Grenadines, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, the Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe joined in sponsoring the draft resolution.

10. At the same meeting, the representative of Egypt, on behalf of the Organization of Islamic Cooperation, made a statement.

11. Also at the same meeting, the Committee adopted draft resolution A/C.3/73/L.29 by a recorded vote of 169 to 6, with 12 abstentions (see para. 24, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State

of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, United States of America.

Abstaining:

Australia, Cameroon, Côte d'Ivoire, Democratic Republic of the Congo, Honduras, Kiribati, Palau, Rwanda, South Sudan, Togo, Tonga, Vanuatu.

12. Before the vote, a statement was made by the representative of Egypt, to which the Chair responded; a statement was also made by the representative of Israel. After the vote, a statement in explanation of vote was made by the representative of Argentina; a statement was also made by the observer of the State of Palestine.

B. Draft resolution A/C.3/73/L.37

13. At the 45th meeting, on 8 November, the representative of Cuba, on behalf of Algeria, Belarus, Bolivia (Plurinational State of), China, Cuba, the Democratic People's Republic of Korea, Ecuador, Eritrea, Lesotho, Myanmar, Nicaragua and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/73/L.37). Subsequently, Botswana, Burundi, Chile, the Comoros, Equatorial Guinea, Guinea, the Lao People's Democratic Republic, Libya, Mali, Namibia, Saint Vincent and the Grenadines, South Africa, South Sudan, Sri Lanka, Uganda and Zimbabwe joined in sponsoring the draft resolution.

14. At the 46th meeting, on 13 November, the representative of Cuba made a statement.

15. At the same meeting, Angola, Benin, Cameroon, Chad, Egypt, Ghana, Madagascar, Malaysia, the Niger, Nigeria, Sao Tome and Principe and the Sudan joined in sponsoring the draft resolution.

16. Also at the same meeting, the representative of Equatorial Guinea made a statement.

17. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/73/L.37 by a recorded vote of 131 to 52, with 7 abstentions (see para. 24, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Colombia, Fiji, Liberia, Mexico, Palau, Switzerland, Tonga.

18. Before the vote, a statement was made by the representative of Cuba, to which the Chair responded; a statement in explanation of vote was made by the representative of Austria (on behalf of the European Union and Albania, Bosnia and Herzegovina, Serbia and the former Yugoslav Republic of Macedonia). After the vote, a statement was made by the representative of Argentina.

C. Draft resolution A/C.3/73/L.54

19. At its 52nd meeting, on 19 November, the Committee had before it a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/73/L.54), submitted by Algeria, Angola, Armenia, Azerbaijan, Belarus, Bolivia (Plurinational State of), Burundi, China, the Comoros, Ecuador, El Salvador, Eritrea, Honduras, Iran (Islamic Republic of), Jordan, Lebanon, Maldives, Oman, Pakistan, Palau, Paraguay, Qatar, the Russian Federation, Saudi Arabia, Seychelles, Singapore, South Africa, the Syrian Arab Republic, Tajikistan, the United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and the State of Palestine. Subsequently, Albania, Antigua and Barbuda, Bahrain, Bangladesh, Belize, Benin, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, the Central African Republic, Chad, Egypt, Equatorial Guinea, the Gambia, Ghana, Guyana, Haiti, Jamaica, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lesotho, Liberia, Libya, Madagascar, Malaysia, Mali, Namibia, Nicaragua, the Niger, Nigeria, Papua New Guinea, Senegal, Sierra Leone, Somalia, South Sudan, Suriname, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Republic of Tanzania, Uzbekistan, Yemen and Zimbabwe joined in sponsoring the draft resolution.

20. At the same meeting, the representatives of Pakistan and Spain made statements.

21. Also at the same meeting, the Committee adopted draft resolution A/C.3/73/L.54 (see para. 24, draft resolution III).

22. After the adoption of the draft resolution, statements were made by the representatives of Argentina and the United States of America.

23. A statement in exercise of the right of reply was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

III. Recommendations of the Third Committee

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967 and a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[11]

---

[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] Resolution 50/6.
[6] Resolution 55/2.
[7] See A/ES-10/273 and A/ES-10/273/Corr.1.
[8] Ibid., advisory opinion, para. 88.
[9] Ibid., para. 122.
[10] A/56/1026-S/2002/932, annex II, resolution 14/221.
[11] S/2003/529, annex.

Stressing also the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 72/160 of 19 December 2017,

Recalling also its resolution 67/19 of 29 November 2012,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

Draft resolution II
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 72/158 of 19 December 2017, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010,[2] 18/4 of 29 September 2011,[3] 21/8 of 27 September 2012,[4] 24/13 of 26 September 2013,[5] 27/10 of 25 September 2014,[6] 30/6 of 1 October 2015,[7] 33/4 of 29 September 2016,[8] 36/3 of 28 September 2017[9] and 39/5 of 27 September 2018,[10] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[11] as well as by the African Union,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[12]

---

[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[2] Ibid., chap. I.

[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and A/66/53/Add.1/Corr.1), chap. II.

[4] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[5] Ibid., *Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1), chap. III.

[6] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

[7] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.

[8] Ibid., *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

[9] Ibid., *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. II.

[10] Ibid., *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. III.

[11] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[12] Resolution 2625 (XXV), annex.

Acknowledging with appreciation the work and contributions of the open-ended intergovernmental working group established by the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries in various parts of the world, in particular in areas of armed conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the latest report of the Working Group of the Human Rights Council on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[13]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

4. *Urges*, once again, all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control are not used for, and that their nationals do not take part in, the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in accordance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import military assistance or consultancy and security services provided by private companies to establish national regulatory mechanisms for registering and licensing those companies in order to ensure that the imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when

[13] A/73/303.

operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider acceding to or ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[14]

9. *Welcomes* the cooperation extended by those countries that have received a visit by the Working Group on the use of mercenaries since the establishment of its mandate and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group on the use of mercenaries of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Requests* the Working Group on the use of mercenaries and other experts to continue their participation, including by submitting contributions, in other subsidiary bodies of the Human Rights Council considering issues related to the use of mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies;

15. *Requests* the Working Group on the use of mercenaries to continue the work carried out by the previous mandate holders with respect to the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session[15] and the evolving phenomenon of mercenaries and its related forms;

16. *Also requests* the Working Group on the use of mercenaries to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and private military and security companies and their impact on human rights, particularly on the right of peoples to self-determination;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of

[14] United Nations, *Treaty Series*, vol. 2163, No. 37789.

[15] See E/CN.4/2004/15, para. 47.

mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

18. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, contribute to the work of the open-ended intergovernmental working group, taking into account the initial work done by the Working Group on the use of mercenaries;

19. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

20. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Working Group on the use of mercenaries with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

21. *Requests* the Working Group on the use of mercenaries to consult States and intergovernmental and non-governmental organizations on the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its seventy-fourth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

22. *Decides* to consider the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination at its seventy-fourth session under the item entitled "Right of peoples to self-determination".

Draft resolution III
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been or are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 72/159 of 19 December 2017,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed in the execution of those acts against the peoples concerned;

---

[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23, E/2005/23/Corr.1 and E/2005/23/Corr.2), chap. II, sect. A.

[3] A/73/329.

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and with honour;

5. *Requests* the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its seventy-fourth session under the item entitled "Right of peoples to self-determination".